

**Notice of Allowability****Application No.**

10/790,574

**Applicant(s)**

MEHR ET AL.

**Examiner**

CHRISTOPHER BIAGINI

**Art Unit**

2445

**- The MAILING DATE of this communication appears on the cover sheet with the correspondence address-**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed December 22, 2011.
2. ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on \_\_\_\_; the restriction requirement and election have been incorporated into this action.
3. ☒ The allowed claim(s) is/are 1-6, 12-18, 42, 43, 47.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- \* Certified copies not received: \_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date \_\_\_\_.
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 3/21/2012.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_.

/Christopher D. Biagini/  
Primary Examiner, Art Unit 2445

**EXAMINER'S AMENDMENT/COMMENT**

***Allowable Subject Matter***

Claims 1-6, 12-18, 42, 43, and 47 are allowed.

The following is an examiner's statement of reasons for allowance. Applicant's arguments with respect to claim 1 (see pp. 5-7 of the response filed December 22, 2011) are persuasive. The combination does not teach or suggest a combination as claimed in each of the independent claims, including analyzing consecutiveness of characters within a subject line of a message, examining a case-sensitive content type of the message, and comparing the content type of the message to stored content types of a plurality of other messages to facilitate determining whether the message is spam.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Examiner's Amendment***

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

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Authorization for this examiner's amendment was given in a telephone interview with Kelly Feimster (Reg. No. 57,581) on March 21, 2012.

The application has been amended as follows:

AMENDMENTS TO THE CLAIMS

**Make the following changes to claim 1:**

1. (Currently Amended) A system that facilitates extracting data in connection with spam processing, comprising:

a processing unit; and

a memory for storing computer-executable instructions that when executed by the processing unit executes:

a component comprising software that receives a message and extracts a set of features associated with some part, content or content type of a message; and

an analysis component comprising software that examines

(1) consecutiveness of characters within a subject line of the message, wherein the analysis component establishes ranges of consecutive, repeating characters, the ranges corresponding to varying degrees of spaminess, whereby messages can be sorted by their respective individual count of consecutive repeating characters and,

(2) a content type of the message for spam in connection with building a filter, wherein the content type describes a type of data contained within a body of the message, the content type being case-sensitive and comprising a primary content-type, a secondary-content type, or a combination thereof, the primary content-type and the secondary-content type comprising at least one of a text, a multipart, a message, an image, an audio, a video, or an application, wherein the analysis component compares the

content type of the message to stored content types of a plurality of other messages to facilitate determining whether the message is spam.

**Make the following changes to claim 42:**

42. (Currently Amended) A method for evaluating spam as a function of message content, comprising:

employing a processor executing computer readable instructions stored on a computer readable storage medium to implement the following:

parsing a message to extract a set of features associated with a ~~part, content, or~~ content type of the message, wherein the content type describes the type of data contained within a body of the message, the content type being case-sensitive and comprising a primary content-type, a secondary content-type, or a combination thereof;

examining the extracted set of features to identify a frequency of consecutiveness of repeating characters within a subject line of the message and to identify a distance of white-space characters between at least one alpha- numeric character and a blob comprising a random sequence of characters, numbers, punctuation, or a combination thereof to classify the message as spam or not spam;

establishing ranges of consecutive, repeating characters, the ranges correspond to various degrees of spaminess, wherein each range comprises a number range of frequencies of the consecutive, repeating characters within the subject line of the message;

employing the ranges to sort the message by the frequency of consecutive repeating characters within the subject line of the message;

**comparing the content type of the message to stored content types of a plurality of other messages to facilitate determining whether the message is spam;** and

processing the message as a function of the classification.

**Cancel claim 46.**

**Make the following changes to claim 47:**

47. (Currently Amended) One or more computer-readable storage **[[media]] devices** having computer-executable instructions embodied thereon that, when executed, perform a method for facilitating extracting data in connection with spam processing, comprising:

receiving a message; determining a particular portion of a body of the message to analyze;

extracting a set of features associated with some part, content or content type of the message;

examining consecutiveness of characters within a subject line of the message and identifying a distance comprising a number of white-space characters between at least one alpha-numeric character and a blob comprising a random sequence of characters, numbers, punctuation, or a combination thereof;

examining a content type of the message for spam in connection with building a filter, wherein the content type describes data contained within the body of the message, the content type being case-sensitive to capture a variation of a primary content-type, a secondary-content type, or a combination thereof, each of the primary content-type and the secondary-content type comprising one of a text, a multipart, a message, an image, an audio, a video, or an application;

**comparing the content type of the message to stored content types of a plurality of other messages to facilitate determining whether the message is spam;**

determining a percentage of white space to non-white space in the message and a percentage of non-white space and nonnumeric characters that are not letters in the message;

calculating a delivery time for the message using a first timestamp associated with origination of the message and a second timestamp associated with receipt of the message; and

categorizing the delivery time into one of a plurality of ranges comprising a range of amounts of time for delivering messages, the ranges corresponding to various degrees of spaminess.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHRISTOPHER BIAGINI whose telephone number is (571)272-9743. The examiner can normally be reached on weekdays from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynn Feild can be reached on (571) 272-2093. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Christopher D. Biagini/  
Primary Examiner, Art Unit 2445